

A. Aguirre, BENF-L

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>


1887746 - R8 SDMS

MAR 09 2012

Ref: 8ENF-T

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Kent Bradford
Manager, Environmental, Health and Safety
Western Zirconium
1100 West 900 South
Ogden, UT 84404

Re: U.S. EPA Region 8 Request for Information Pursuant to Section 3007 of the Resource Conservation and Recovery Act for the Western Zirconium: Ogden, Utah Facility

Dear Mr. Bradford:

The EPA performed a compliance evaluation inspection at the Western Zirconium facility in Ogden, Utah, on September 14-15 and November 8, 2011. As you are aware, during the inspection, the EPA collected samples of magnesium chloride material on November 8, 2011. The EPA has determined that additional information is needed to evaluate compliance with the requirements of the Resource Conservation and Recovery Act, 42 U.S.C. § 6901, *et seq.* (RCRA) at the Western Zirconium facility in Ogden, Utah (facility).

Pursuant to Section 3007 of RCRA, 42 U.S.C. § 6927, the EPA requests that the owner and/or operator of the facility submit the following information not more than twenty (20) calendar days after your receipt of this letter. Precede each answer with the number of the information request below to which it corresponds. If the request is not applicable to the facility, please indicate N/A.

1. Provide the correct name and street address of the facility; city; township, range, quarter-sections and fractions; latitude and longitude, if known; county and state in which the facility is located.
2. Identify the date the facility began operations at the current location, as well as: a concise history of land ownership and usage since 1980 (to the extent known) and the corporate structure and history for the facility since 1980, including dates of purchase and sale, and, if different, the dates each entity operated the facility. (It is our present understanding that the facility is presently owned and operated by Westinghouse Electric Company, LLC, which in turn is owned by Toshiba.)
3. Provide the name of the person(s) responsible for compliance with RCRA requirements for the facility. Please include the titles, addresses, and telephone numbers for each person identified.
4. Provide a thorough description of each of the manufacturing processes at the facility that either

generates or leads to the generation of magnesium chloride as a production by-product.

5. Provide copies of all RCRA Subtitle C or Subtitle D manifests and/or bills of lading for shipments of magnesium chloride wastes for off-site treatment or disposal in the last three years.

7. Provide copies of all documents and other information relating to the hazardous waste determination(s) made pursuant to Utah Administrative Code R315-5-1.11 (the equivalent federal regulation is found at 40 C.F.R. § 262.11) for magnesium chloride sent for off-site treatment or disposal in the last three years.

8. Describe any significant manufacturing changes in the last five years that might have altered the characteristics of magnesium chloride generated at the facility, and provide the dates those manufacturing changes were made.

9. Provide the production records that include the Daily Magnesium Chloride Reduction Reports and the Zirconium Pre Evac. and Reduction Run Sheets for the 3rd, 6th, 9th, 12th, 15th, 18th, 21st, 24th, 27th and 30th day of each month from April 1, 2009, to December 1, 2009, and for production runs on November 8, 2011.

Please submit the requested information to David Duster at the following address:

David Duster
US EPA Region 8
8ENF-RC
1595 Wynkoop Street
Denver, CO 80202-1129

The response to this letter must include a signed copy of the certification statement enclosed with this letter. The certification statement must be signed and dated by an authorized officer or agent of the owner or operator of the facility, and must clearly identify in the signature block whether the signatory is executing on behalf of the owner, operator, or both.

Failure to provide the requested information or submittal of incomplete and/or false information may subject the person(s) (as defined in 42 U.S.C. § 6903(15)) responding to this request to liability, including, but not limited to, the imposition of monetary penalties pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928.

The information requested by this letter must be provided notwithstanding its possible characterization as confidential business information or trade secret. However, you may request, in accordance with and subject to the limitations of 40 C.F.R. Part 2, treatment of certain information as confidential business information (CBI). CBI requests must be made at the time of submission or such information may not be protected as CBI by EPA. You may assert such claim by following the procedures in 40 C.F.R. § 2.203, including placing a cover sheet, stamped or typed notice employing language so indicating, such as "proprietary," "company confidential," or "trade secret," on the information at the time it is submitted. If EPA determines the information you have designated meets the criteria in 40 C.F.R. § 2.208, the information will be disclosed only to the extent and by means of the procedures specified in 40 C.F.R. Part 2, Subpart B.

If you require clarification of this request, please contact David Duster of my staff at (303) 312-6665, for technical questions, or Chuck Figur at (303) 312-6915, for any legal questions you may have.

Sincerely,

A handwritten signature in black ink, appearing to read "Kelcey Land".

Kelcey Land, Director *acting*
CERCLA/RCRA Technical Enforcement Program

Enclosure

cc: David Duster, 8ENF-RC
Chuck Figur, 8ENF-L
Aaron Urdiales, 8ENF-RC
Brad Maulding, UDEQ via email
Jim Lansbarkis, UDEQ via email
Rolf Johnsson, UDEQ via email

STATEMENT OF CERTIFICATION

I certify, under the penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments, and that, based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information.

Signature

Date

Name:

Title:

Company:

Address:

Owner/operator/both: